

CLERICAL SLIP  
**UNITED**  
**LAWYERS SERVICE INC.**  
299 BROADWAY, NEW YORK, N.Y. 10007  
Tel. (212) 227-6300 Fax (212) 964-2707  
LIABILITY LIMITED TO COST PER ITEM

Court Sup Boro Breax  
Date to be done 7/17/07  
Plff: Sally Ann Ducken  
Def: John R. Cameron  
Index No. 13256 Year 07  
Calendar No. \_\_\_\_\_  
CHECK \$ \_\_\_\_\_ attached  
(MAKE CHECK PAYABLE TO COURT)

Return Date of motion \_\_\_\_\_

**REMARKS:**

*Please file  
Notice of  
Removal to  
Federal Court  
within Sup/Bx.*

KRAL, CLERKIN, REDMOND, RYAN,  
PERRY & GIRVAN  
170 BROADWAY  
NEW YORK, NEW YORK 10038  
Subscriber  
212 406-9710  
Tel No.

Office Address

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

=====X Index No.: 13256/07  
SALLY ANN DRUCKER,

Plaintiff,

**NOTICE OF REMOVAL  
TO FEDERAL COURT**

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.

=====X

**PLEASE TAKE NOTICE** that defendant has filed removal papers in the United States District Court for the Southern District of New York on the 16<sup>th</sup> day of July, 2007 removing the above-captioned matter to said Court. Attached hereto are copies of the papers filed.

Dated: New York, New York  
July 11, 2007

Yours etc.,

KRAL, CLERKIN, REDMOND, RYAN,  
PERRY & GIRVAN, LLP  
Attorneys for Defendant  
JOHN D. CORRIERI AND PAUL D.  
CORRIERI  
170 Broadway, 5<sup>th</sup> Floor  
New York, New York 10038

By:   
JUSTINE L. GRISANTI (#0793)

TO: DAVID RESNICK & ASSOCIATES  
Attorneys for Plaintiff  
450 Seventh Avenue, Suite 409  
New York, New York 10123  
(212) 279-2000

JUDGE HOLWELL

## CIVIL COVER SHEET

JS 44C/SDNY  
REV. 1/97

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use at the Clerk of Court for the purpose of creating the civil docket sheet.

## PLAINTIFFS

SALLY DRUCKER

## DEFENDANTS

Scottsdale Insurance Company

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David Resnick & Associates  
450 Seventh Avenue, Suite 409  
New York, NY 10123

## ATTORNEYS (IF KNOWN)

Kral, Clerkin, Redmond, Ryan, Perry &  
Girvan, LLP  
170 Broadway, 5th Fl., NY, NY 10038

## CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

The Court's diversity jurisdiction is claimed pursuant to 28 U.S.C.A. 1332 and this action is hereby sought to be removed pursuant to 28 U.S.C.A. 1412. This is a personal injury action whereby plaintiff seeks money damages.

Has this or a similar case been previously filed in SDNY at anytime? No? ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed, No ☐ Yes ☐ If yes, give date & Case No.

(PLACE AN (X) IN ONE BOX ONLY)

## NATURE OF SUIT

CONTRACT	TORTS	FORFEITURE/PENALTY	ACTIONS UNDER STATUTES	OTHER STATUTES	
<input type="checkbox"/> 110 INSURANCE <input type="checkbox"/> 120 MARINE <input type="checkbox"/> 130 MILLER ACT <input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT  <input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT <input type="checkbox"/> 160 MEDICARE ACT <input type="checkbox"/> 170 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL. VETERANS) <input type="checkbox"/> 180 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS <input type="checkbox"/> 190 STOCKHOLDERS' SUITS <input type="checkbox"/> 200 OTHER CONTRACT <input type="checkbox"/> 210 CONTRACT PRODUCT LIABILITY	<b>PERSONAL INJURY</b> <input type="checkbox"/> 220 AIRPLANE <input type="checkbox"/> 230 AIRPLANE PRODUCT LIABILITY <input type="checkbox"/> 240 ASSAULT, LIBEL & SLANDER <input type="checkbox"/> 250 FEDERAL EMPLOYERS' LIABILITY <input type="checkbox"/> 260 MARINE <input type="checkbox"/> 270 MARINE PRODUCT LIABILITY <input type="checkbox"/> 280 MOTOR VEHICLE <input type="checkbox"/> 290 MOTOR VEHICLE PRODUCT LIABILITY <input checked="" type="checkbox"/> 300 OTHER PERSONAL INJURY	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 PERSONAL INJURY - MED. MALPRACTICE <input type="checkbox"/> 320 PERSONAL INJURY - PRODUCT LIABILITY <input type="checkbox"/> 330 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 340 OTHER FRAUD <input type="checkbox"/> 350 TRUTH IN LENDING <input type="checkbox"/> 360 OTHER PERSONAL PROPERTY DAMAGE <input type="checkbox"/> 370 PROPERTY DAMAGE PRODUCT LIABILITY	<b>AGRICULTURE</b> <input type="checkbox"/> 400 AGRICULTURE <input type="checkbox"/> 410 FOOD & DRUG <input type="checkbox"/> 420 DRUG RELATED <input type="checkbox"/> 430 SECURE OF PROPERTY <input type="checkbox"/> 440 LIQUOR LAWS <input type="checkbox"/> 450 R.R. & TRUCK <input type="checkbox"/> 460 AIRLINE REGS. <input type="checkbox"/> 470 OCCUPATIONAL SAFETY/HEALTH <input type="checkbox"/> 480 OTHER  <b>LABOR</b> <input type="checkbox"/> 490 FARM LABOR STANDARDS ACT <input type="checkbox"/> 500 LABOR/MGMT. RELATIONS <input type="checkbox"/> 510 LABOR/MGMT. REPORTING & DISCLOSURE ACT <input type="checkbox"/> 520 RAILWAY LABOR ACT <input type="checkbox"/> 530 OTHER LABOR LITIGATION <input type="checkbox"/> 540 ENPL. RET. INC. SECURITY ACT	<b>BANKRUPTCY</b> <input type="checkbox"/> 550 APPEAL <input type="checkbox"/> 560 28 USC 158 <input type="checkbox"/> 570 WITHDRAWAL <input type="checkbox"/> 580 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 590 COPYRIGHTS <input type="checkbox"/> 600 PATENT <input type="checkbox"/> 610 TRADEMARK  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 620 SSI (405(g)) <input type="checkbox"/> 630 BLACK LUNG (923) <input type="checkbox"/> 640 DIWC (405(g)) <input type="checkbox"/> 650 DIWW (405(g)) <input type="checkbox"/> 660 SSND TITLE XVI <input type="checkbox"/> 670 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 680 TAXES <input type="checkbox"/> 690 IRS-THIRD PARTY <input type="checkbox"/> 700 26 USC 7604	<input type="checkbox"/> 710 STATE REAPPORTIONMENT <input type="checkbox"/> 720 ANTITRUST <input type="checkbox"/> 730 BANKS & BANKING <input type="checkbox"/> 740 COMMERCIAL/ACC. RATE/ETC. <input type="checkbox"/> 750 DEPORTATION <input type="checkbox"/> 760 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) <input type="checkbox"/> 770 SELECTIVE SERVICE <input type="checkbox"/> 780 SECURITIES/COMMODITIES/EXCHANGE <input type="checkbox"/> 790 CUSTOMER CHALLENGE <input type="checkbox"/> 800 12 USC 3410 <input type="checkbox"/> 810 AGRICULTURE ACT <input type="checkbox"/> 820 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 830 ENVIRONMENTAL MATTERS <input type="checkbox"/> 840 ENERGY ALLOCATION ACT <input type="checkbox"/> 850 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 860 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE <input type="checkbox"/> 870 CONSTITUTIONALITY OF STATE STATUTE <input type="checkbox"/> 880 OTHER STATUTORY ACTIONS
<b>REAL PROPERTY</b> <input type="checkbox"/> 890 LAND CONDEMNATION <input type="checkbox"/> 900 FORECLOSURE <input type="checkbox"/> 910 RENT LEASE & EJECTMENT <input type="checkbox"/> 920 TORTS TO LAND <input type="checkbox"/> 930 TORT PRODUCT LIABILITY <input type="checkbox"/> 940 ALL OTHER REAL PROPERTY	<b>ACTIONS UNDER STATUTES</b> <b>(TYPE RIGHTS)</b> <input type="checkbox"/> 950 VOTING <input type="checkbox"/> 960 EMPLOYMENT <input type="checkbox"/> 970 REMEDY <input type="checkbox"/> 980 ACCOMMODATIONS <input type="checkbox"/> 990 WELFARE <input type="checkbox"/> 1000 OTHER CIVIL RIGHTS	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 1010 MOTIONS TO VACATE SENTENCE <input type="checkbox"/> 1020 28 USC 2254 <input type="checkbox"/> 1030 HABEAS CORPUS <input type="checkbox"/> 1040 DEATH PENALTY <input type="checkbox"/> 1050 MANDAMUS & OTHER <input type="checkbox"/> 1060 CIVIL RIGHTS <input type="checkbox"/> 1070 PRISON CONDITION			

(Check if demanded in complaint)

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

DEFENDANTS WILL DEMAND A JURY IN ITS ANSWER

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.  
(SEE REVERSE)

(PLACE AN X IN ONE BOX ONLY)

☐ 1 Original  
Processing☒ 2 Removed from  
State Court☐ 3 Remanded from  
Appellate Court☐ 4 Remanded or  
Reopened☐ 5 Transferred  
From (Specify  
District)☐ 6 Multidistrict  
Litigation☐ 7 Assigned to District  
Judge from  
Magistrate Judge  
Judgment

## ORIGIN

(PLACE AN X IN ONE BOX ONLY)

☐ 1 U.S. PLAINTIFF☐ 2 U.S. DEFENDANT☐ 3 FEDERAL QUESTION  
(U.S. NOT A PARTY)☒ 4 DIVERSITY

## BASIS OF JURISDICTION

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE PTF DEF  
(1) ☒ (1)CITIZEN OR SUBJECT OF A  
FOREIGN COUNTRYPTF DEF  
113 113INCORPORATED AND PRINCIPAL PLACE  
OF BUSINESS IN ANOTHER STATEPTF DEF  
115 115CITIZEN OF ANOTHER STATE ☒ 2 112INCORPORATED AND PRINCIPAL PLACE  
OF BUSINESS IN THIS STATE

114 114

FOREIGN NATION

116 116

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Sally Ann Drucker  
818 N. Buchanan Boulevard  
Durham, NC 27701

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

John P. Corrieri  
47-33 Fifth Street  
Long Island City, NY 11101Paul D. Corrieri  
1481 Shore Drive  
Bronx, NY 10465

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO  
ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE  
(DO NOT check either box if this is a PRISONER PETITION.)

DATE 7/11/07 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT  
11 NO  
X1 YES (DATE ADMITTED Mo. Yr. 19  
Attorney Bar Code # 0793

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

James M. Parkison, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

JUDGE HOLWELL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CV 6432

=====X  
SALLY ANN DRUCKER,

Plaintiff,

NOTICE OF REMOVAL

-against-

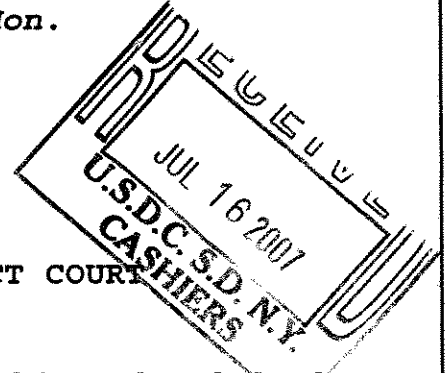
Hon.

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.

=====X

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



This Notice of Removal on behalf of defendants  
respectfully shows:

1. An action was commenced against defendants in the Supreme Court of the State of New York, Bronx County on March 23, 2007 with subsequent service of the Summons and Verified Complaint on the defendants through the Secretary of State on April 10, 2007, which action is entitled above. According to the Verified Complaint, plaintiff demands judgment "in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction." Copies of the Summons and Verified Complaint are attached hereto as **Exhibit "A."**

2. Defendants timely joined issue on May 18, 2007. A copy of the Verified Answer is annexed as **Exhibit "B"**.

3. On May 18, 2007, defendant served a CPLR §3017(c) "Request for a Supplemental Demand" requiring

plaintiff to set forth the total damages to which she deems herself entitled. A copy of the "Combined Demands" is annexed as *Exhibit "C"*.

4. Plaintiff's Response to Defendants' Combined Demands" was served on June 20, 2007. A copy is annexed as *Exhibit "D"*. In her response, plaintiff demands judgment against the defendant in the amount of \$800,000 together with costs and disbursements.

5. The above described action is now one in which this Court has original jurisdiction under the provisions of 28 U.S.C.A. 1332 and is one which may be removed to this Court by petitioner, pursuant to the provisions of 28 U.S.C.A. 1441 in that the matter in controversy exceeds the jurisdictional minimum for federal diversity actions exclusive of interest and costs.

6. Plaintiff was, at the time this action was commenced, a citizen of the State of North Carolina, County of Durham. Defendant Paul Corrieri, was, at the time this action was commenced, and still is, a citizen of the State of New York and resides in Bronx County. John Corrieri, was at the time this action was commenced, and still is, a resident of the State of New York and resides in Queens.

WHEREFORE, defendants request that the action now pending against it in the Supreme Court of the State of New York, Bronx County, be removed therefrom to this Court.

Dated: New York, New York  
July 11, 2007

Yours etc.,

KRAL, CLERKIN, REDMOND,  
RYAN, PERRY & GIRVAN, LLP  
Attorneys for Defendant  
JOHN D. CORRIERI AND PAUL D.  
CORRIERI  
170 Broadway, 5<sup>th</sup> Floor  
New York, New York 10038  
(212) 406-9710  
Our File Number: 901774

By:   
JUSTINE L. GRISANTI (#0793)



TO: DAVID RESNICK & ASSOCIATES  
Attorneys for Plaintiff  
450 Seventh Avenue, Suite 409  
New York, New York 10123  
(212) 279-2000

# **EXHIBIT “A”**

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1031 423 0956

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

Date Purchased:

13256-07  
3/23/07

SALLY ANN DRUCKER,

-----X

SUMMONS

Plaintiff,

Plaintiff designates Bronx  
County as the place of trial.

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

The basis of venue is:  
Defendant's residence

Defendants.

Defendant resides at

1481 Shore Drive  
Bronx, NY 10465

County of Bronx

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
March 21, 2007



DAVID RESNICK &amp; ASSOCIATES, P.C.

Attorneys for Plaintiff

SALLY ANN DRUCKER

450 Seventh Avenue, Suite 409

New York, New York 10123

(212) 279-2000

TO: JOHN D. CORRIERI  
47-33 5th Street  
Long Island City, NY 11101

PAUL D. CORRIERI  
1481 Shore Drive  
Bronx, NY 10465

2007 MAR 23 PM 4:48  
CLERK  
CLERK  
CLERK

RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

SALLY ANN DRUCKER,

Plaintiff,

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.

Index No.:  
Date Purchased:

13256-07

VERIFIED  
COMPLAINT

Plaintiff, by her attorneys, DAVID RESNICK & ASSOCIATES, P.C., complaining  
of the Defendants, respectfully alleges, upon information and belief:

2007 MAR 22 PM 1:48  
CLERK  
BRONX  
COUNTY

RECEIVED

1. That at all times herein mentioned, Plaintiff SALLY ANN DRUCKER was, and still is, a resident of the County of Durham, State of North Carolina.
2. That at all times herein mentioned, Defendant JOHN D. CORRIERI was, and still is, a resident of the County of Queens, State of New York.
3. That at all times herein mentioned, Defendant PAUL D. CORRIERI was, and still is, a resident of the County of Bronx, State of New York.
4. That at all times herein mentioned, Defendant JOHN D. CORRIERI was the owner of a 1983 motor vehicle bearing New York State registration number 77390JJ.
5. That at all times herein mentioned, Defendant PAUL D. CORRIERI operated the aforementioned motor vehicle bearing New York State registration number 77390JJ.
6. That at all times herein mentioned, Defendant PAUL D. CORRIERI operated the aforementioned motor vehicle with the permission of Defendant JOHN D. CORRIERI.

7. That at all times herein mentioned, Defendant JOHN D. CORRIERI operated the aforementioned motor vehicle with the knowledge of the Defendant JOHN D. CORRIERI.
8. That at all times herein mentioned, Defendant PAUL D. CORRIERI operated the aforementioned motor vehicle with the consent of the Defendant JOHN D. CORRIERI.
9. That all times herein mentioned, Defendant JOHN D. CORRIERI managed the aforesaid motor vehicle.
10. That at all times herein mentioned, Defendant PAUL D. CORRIERI managed the aforementioned motor vehicle.
11. That at all times herein mentioned, Defendant JOHN D. CORRIERI maintained the aforementioned motor vehicle.
12. That at all times herein mentioned, Defendant PAUL D. CORRIERI maintained the aforementioned motor vehicle.
13. That at all times herein mentioned, Defendant JOHN D. CORRIERI controlled the aforementioned motor vehicle.
14. That at all times herein mentioned, Defendant PAUL D. CORRIERI controlled the aforementioned motor vehicle.
15. That at all times herein mentioned, Defendant PAUL D. CORRIERI operated the aforementioned motor vehicle in the scope of his employment with JOHN D.

**CORRIERI.**

16. That at all times herein mentioned, Plaintiff **SALLY ANN DRUCKER** was the operator of a 2001 Volvo motor vehicle bearing North Carolina State registration number **SRD7756**.
17. That at all times herein mentioned, Vernon Blvd at or near its intersection with 48 Avenue, Queens, NY in the County of Queens, State of New York, was a public roadway, streets and/or thoroughfare.
18. That on September 11, 2006, Defendant **PAUL D. CORRIERI** was operating the vehicle owned by **JOHN D. CORRIERI**, at the aforementioned location.
19. That on September 11, 2006, Plaintiff **SALLY ANN DRUCKER** was operating her motor vehicle at the aforementioned location.
20. That on September 11, 2006, at the aforementioned location, the front of the motor vehicle owned by Defendant **JOHN D. CORRIERI** and operated by Defendant **PAUL D. CORRIERI** came into contact with the rear of the motor vehicle operated by Plaintiff **SALLY ANN DRUCKER**.
21. That as a result of the aforesaid contact, Plaintiff **SALLY ANN DRUCKER** was injured.
22. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff

contributing thereto.

23. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

24. That by reason of the foregoing, Plaintiff SALLY ANN DRUCKER sustained severe and permanent personal injuries; and Plaintiff SALLY ANN DRUCKER was otherwise damaged.

25. That Plaintiff SALLY ANN DRUCKER sustained serious injuries as defined by Section 5102(d) of the Insurance Law of the State of New York.

26. That Plaintiff SALLY ANN DRUCKER sustained serious injuries and economic loss greater than basic economic loss as defined by Section 5104 of the Insurance Law of the State of New York.

27. That this action falls within one or more of the exceptions set forth in CPLR Section 1602.

28. That by reason of the foregoing, Plaintiff SALLY ANN DRUCKER has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

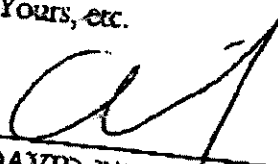
WHEREFORE, Plaintiff demand judgment against the Defendants herein, in a

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sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York  
March 21, 2007

Yours, etc.



DAVID RESNICK & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
SALLY ANN DRUCKER  
450 Seventh Avenue, Suite 409  
New York, New York 10123  
(212) 279-2000



### ATTORNEY'S VERIFICATION

DAVID RESNICK, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at DAVID RESNICK & ASSOCIATES, P.C., attorneys of record for Plaintiff, SALLY ANN DRUCKER. I have read the annexed

### COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff is that Plaintiff is not presently in the county wherein the attorneys for the plaintiff maintain their offices.

DATED: New York, New York  
March 21, 2007

  
DAVID RESNICK

Index No.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

---

SALLY ANN DRUCKER,

Plaintiff,

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.

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SUMMONS & VERIFIED COMPLAINT

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DAVID RESNICK & ASSOCIATES, P.C.

*Attorneys for Plaintiff*

450 Seventh Avenue, Suite 409

New York, New York 10123

(212) 279-2000

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# **EXHIBIT “B”**

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

\_\_\_\_\_  
SALLY ANN DRUCKER,

Plaintiff,

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

\_\_\_\_\_  
Defendants.

**VERIFIED ANSWER**

**Index No.: 13256/07**

\_\_\_\_\_  
Defendants, JOHN D. CORRIERI AND PAUL D. CORRIERI, by its attorneys, KRAL  
CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, answering the complaint of plaintiff  
herein, sets forth the following upon information and belief:

FIRST. Denies knowledge or information sufficient to form a belief as to the  
allegations contained in paragraphs "1", "2", "3", "12", "16" and "19" of the complaint.

SECOND. Denies the allegations contained in paragraphs "6" and "8" of the  
complaint except admits that Defendant, PAUL D. CORRIERI operated the aforementioned  
motor vehicle with the permission and consent of Defendant JOHN D. CORRIERI.

THIRD. Denies, in the form alleged, the allegations contained in paragraphs "9"  
"10", "13" and "14" of the complaint.

FOURTH. Denies the allegations contained in paragraphs "20", "21", "22", "23"  
"24" and "28" of the complaint.

FIFTH. Denies the allegations contained in paragraphs "25", "26" and "27" of the  
complaint and refers all questions of Law to the Court.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

SIXTH. Upon information and belief, the injury sustained by the plaintiff was not  
as the result of any culpable conduct of the defendants herein, or in the alternative, the amount of  
damages otherwise recoverable shall be diminished in the percentage proportion of the culpable

conduct of the plaintiff and/or others which contributed to the culpable conduct that caused the injury.

***AS AND FOR A SECOND AFFIRMATIVE DEFENSE***

SEVENTH. Defendants will rely upon the provisions of Article 16 of the CPLR with regard to the limitation of joint and several liability.

***AS AND FOR A THIRD AFFIRMATIVE DEFENSE***

EIGHTH. That the plaintiff could, with due diligence, have obtained personal jurisdiction over tortfeasors not a party to this lawsuit. Therefore, the culpability of these missing or absent tortfeasors may be computed into the apportionment of total culpability causing the subject occurrence.

***AS AND FOR A FOURTH AFFIRMATIVE DEFENSE***

NINTH. Upon information and belief, any damages sustained by the plaintiff were caused by plaintiff's having voluntarily and unreasonably assumed a known and dangerous risk, and/or damages were caused by or aggravated by such conduct.

***AS AND FOR A FIFTH AFFIRMATIVE DEFENSE***

TENTH. Any past or future costs or expenses incurred, or to be incurred by the claimant for medical care, dental care, custodial care or rehabilitative services, loss of earnings or other economic loss that has been or may be replaced or indemnified, in whole or in part, from a collateral source as defined in Section 4545(c) of the Civil Practice Law and Rules, shall not be recoverable from the defendant and the amount of any such damage will be diminished by the amount of the funds that plaintiff has, or may received, from such collateral sources.

***AS AND FOR A SIXTH AFFIRMATIVE DEFENSE***

ELEVENTH. That the plaintiff did not use seatbelts therein provided and that the injuries claimed to have been sustained were caused, added to and exacerbated by the lack of use

of the seatbelt and plaintiffs did not avail themselves of the protective device to mitigate the injuries herein in accordance with the decision of Spier v. Barker, 35 N.Y.S.2d 444.

***AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE***

TWELFTH. That the plaintiffs by not fastening the available seatbelt, acted unreasonably and disregarded his/her own best interest, and accordingly, caused or contributed to the happenings of this accident in accordance with Curry v. Moser, 454 N.Y.S.2d 311.

***AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE***

THIRTEENTH. Plaintiff did not sustain serious and permanent injuries as defined by section 5102(d) of the Insurance Law of the State of New York and the exclusive remedy is confined and limited to the benefit and provision of Article 51 thereof.

***AS AND FOR A NINTH AFFIRMATIVE DEFENSE***

FOURTEENTH. The complaint is barred by Article 51 Section 5104 of the Insurance Law of the State of New York and the sole and exclusive remedy of plaintiff is confined and limited to the benefit and provisions of Article 51 of the Insurance Law of the State of New York.

**WHEREFORE**, defendants demand judgment dismissing the complaint of plaintiff herein, together with the costs and disbursements of the action, and the expenses incurred in the defense thereof.

Dated: New York, New York  
May 18, 2007

Yours etc.,

KRAL, CLERKIN, REDMOND, RYAN,  
PERRY & GIRVAN, LLP

Attorneys for Defendants

170 Broadway, Suite 500

New York, New York 10038

(212) 406-9710

File Number: 111156N

BY: \_\_\_\_\_

JEFFREY K. VAN ETEN

TO: DAVID RESNICK & ASSOCIATES

Attorneys for Plaintiff

450 Seventh Avenue, Ste. 409

New York, New York 10123

(212) 279-2000

Fax No.: (212) 594-7144

**ATTORNEYS VERIFICATION**

**JEFFREY VAN ETTEN**, affirms as follows:

I am an attorney admitted to practice in the Courts of the State of New York, and am the attorney for defendant in the within action, and as such, am fully familiar with all the facts and circumstances therein.

That the foregoing VERIFIED ANSWER is true to the knowledge of affirmant, except as to those matters stated to be alleged upon information and belief and that as to those matters he believes it to be true.

Affirmant further states that the reason that this verification is made by affirmant and not by defendant is that defendant does not reside within the County of New York, where affirmant maintains his office.

Affirmant further states that the sources of his knowledge and information are reports of investigations, conversations, writings and memoranda of this litigation.

The undersigned attorney affirms that the foregoing statements are true, under the penalties of perjury and pursuant to Rule 2106 CPLR.

Dated: New York, New York  
May 18, 2007

  
\_\_\_\_\_  
JEFFREY K. VAN ETTEN



**STATE OF NEW YORK           )**  
**) ss.:**  
**COUNTY OF NEW YORK         )**

**MICHAEL J. VERAS**  
**Notary Public, State of New York**  
**No. 02VE6153362**  
**Qualified in Richmond County**  
**Commission Expires October 2, 2010**

# **EXHIBIT “C”**

---

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

=====X  
SALLY ANN DRUCKER,

Plaintiff,

**Combined Demands**

-against-

**Index No.: 13256/07**

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.  
=====X

S I R S:

PLEASE TAKE NOTICE, that defendants, hereby demand that plaintiff provide the following pursuant to the Civil Practice Law & Rules within thirty (30) days after receipt of this demand:

1. Set forth the Index Number obtained by plaintiff upon filing of the affidavit of service as well as providing duplicate copies of the receipts for the purchase of the index number.
2. Authorizations to obtain plaintiff's hospital records and x-rays regarding any hospitalization resulting from the incident complained of in plaintiff's Complaint.
3. Authorizations to obtain the records and reports of any physicians who treated the plaintiff as a result of the incident alleged in plaintiff's Complaint.
4. Books, records, correspondence, notations and memoranda by whatever name known which would reflect the total income earned by the plaintiff for the years 2002 to the present or copies of income tax returns for said enumerated years and authorizations to obtain same from the Internal Revenue Service.
5. The names and addresses of all witnesses to:
  - a. the occurrence alleged in plaintiff's Complaint;

b. any acts, omissions or conditions which allegedly caused the occurrence alleged in plaintiff's complaint;

c. any actual notice given to the defendant herein of any condition which allegedly caused the occurrence in plaintiff's Complaint.

d. the nature and duration of any alleged condition which allegedly caused the occurrence in plaintiff's Complaint.

6. The undersigned demands upon behalf of the defendant in this action that pursuant to CPLR Article 31, you produce and permit the undersigned to discover, inspect and copy each and every statement made or taken by each party and his, her or its agents, servants and/or employees now in your possession, custody or control or in the possession, custody or control of any party you represent in this action, if any such statement in any manner bears on the issues in this action. If no such statement in the possession, custody or control of any parties you represent in this action, so state in the sworn reply to this demand.

PLEASE TAKE FURTHER NOTICE, that the foregoing is a continuing demand and upon your failure to produce the aforesaid information and/or documents, a motion may be made and costs may be requested.

Dated: New York, New York  
May 18, 2007

Yours etc.,

KRAL, CLERKIN, REDMOND, RYAN,  
PERRY & GIRVAN, LLP

Attorneys for Defendants  
170 Broadway, Suite 500  
New York, New York 10038  
(212) 406-9710

File Number: 111156N

BY:

JEFFREY K. VAN ET TEN

# EXHIBIT “D”

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
SALLY ANN DRUCKER,

Plaintiff,

-against-

**RESPONSE TO  
DEFENDANTS  
COMBINED  
DEMANDS**

Index No.:13256/07

JOHN D. CORRIERI AND PAUL D. CORRIERI,

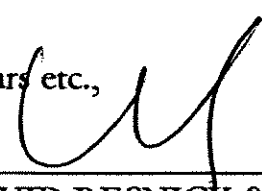
Defendants.  
-----X

Plaintiff, by her attorneys, DAVID RESNICK & ASSOCIATES, P.C., as and for  
a response to Defendants, Combined Demands, alleges upon information and belief, as  
follows:

1. Demand for damages is \$800,000.00

Dated: NEW YORK, NEW YORK  
June 20 , 2007

Yours etc.,

  
\_\_\_\_\_  
DAVID RESNICK & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
SALLY ANN DRUCKER  
450 Seventh Avenue, Suite 409  
New York, New York 10123  
(212) 279-2000

TO: KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN  
Attorneys for Defendants  
PAUL D. CORRIERI & JOHN D. CORRIERI  
69 East Jericho Turnpike  
Mineola, NY 11501  
(516) 742-3470

-2-67  
06-3

**AFFIDAVIT OF SERVICE**

**STATE OF NEW YORK, COUNTY OF NEW YORK ss.:**

Maribel Rodriguez being duly sworn, deposes and says:

I am over 18 years of age, I am not a party to the action, and I reside in Kings County in the State of New York.

I served a true copy of the annexed

**RESPONSE TO DEFENDANTS COMBINED DEMANDS**

on June 20, 2007

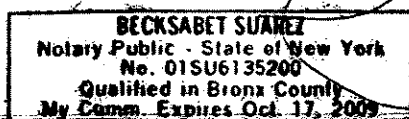
by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee as indicated below:

Kral, Clerkin, Redmond, Ryan, Perry & Girvan  
Attorneys for Defendants  
PAUL D. CORRIERI & JOHN D. CORRIERI  
69 East Jericho Turnpike  
Mineola, NY 11501  
(516) 742-3470

  
\_\_\_\_\_  
Maribel Rodriguez

Sworn to before me June 20, 2007

  
\_\_\_\_\_  
Notary Public



Index No. 13256/07

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

---

SALLY ANN DRUCKER,

Plaintiff,

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.

---

RESPONSE TO DEFENDANTS COMBINED DEMANDS

---

DAVID RESNICK & ASSOCIATES, P.C.

*Attorneys for Plaintiff*

450 Seventh Avenue, Suite 409

New York, New York 10123

(212)279-2000

---

TO: KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN

Attorneys for Defendants

PAUL D. CORRIERI & JOHN D. CORRIERI

69 East Jericho Turnpike

Mineola, NY 11501

(516) 742-3470

111 09.2007



STATE OF NEW YORK, COUNTY OF

SS:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and

☐ certify that the annexed  
has been compared by me with the original and found to be a true and complete copy thereof.

Uncheck Applicable Box  
Attorney's  
Certification

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for

I have read the annexed **NOTICE OF REMOVAL**

☒ Attorney's  
Verification  
by  
Affirmation

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following. The information contained in my files.

The reason I make this affirmation instead of defendants is that defendants reside in a County other than where deponent maintains her office.

I affirm that the foregoing statements are true under penalties of perjury.

Dated: New York, New York  
July 11, 2007

  
JUSTINE L. GRISANTI (Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am

☐ in the action herein; I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Uncheck Applicable Box  
Individual  
Verification

the of  
☐ a corporation, one of the parties to the action; I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Uncheck Applicable Box  
Corporate  
Verification

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on , 20

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On , 20 , I served a true copy of the annexed  
in the following manner:

☐ by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

☐ by delivering the same personally to the persons at the address indicated below:

☐ by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

☐ by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Uncheck Applicable Box  
Service by Mail  
Personal Service  
Service by Electronic Means  
Overnight Delivery Service

Index No. 13256/07

Year 20

SUPREME COURT OF THE STATE OF NEW YORK: COUNTY OF BRONX

SALLY ANN DRUCKER,

Plaintiffs,

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.

NOTICE OF REMOVAL

KRAL, CLERKIN, REDMOND, RYAN  
PERRY & GIRVAN, LLP

Attorneys for

Defendants.

170 BROADWAY  
NEW YORK, NEW YORK 10038  
(212) 406-9710

§2103 (b) (5) Notice: Service of Papers by Electronic Means is Not Accepted

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: July 11, 2007

Signature

Print Signer's Name JUSTINE L. GRISANTI

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐  
NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

☐  
NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on 20, at M.

Dated:

KRAL, CLERKIN, REDMOND, RYAN  
PERRY & GIRVAN, LLP

Attorneys for

AFFIDAVIT OF SERVICE

STATE OF NEW YORK       )  
                                      : ss.  
COUNTY OF NEW YORK    )

MICHELE SUTTON, being duly sworn deposes and says:

Deponent is not a party to the action, is over Eighteen (18) years of age and resides in Staten Island, New York.

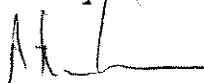
On July 17, 2007, deponent served the within NOTICE OF REMOVAL, CIVIL COVER SHEET and NOTICE OF REMOVAL TO FEDERAL COURT upon the attorney(s) listed below at the address designated by said attorneys for that purpose by depositing a true copy of same enclosed in a post-paid addressed wrapper with self-addressed stamped envelopes in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

DAVID RESNICK & ASSOCIATES  
Attorneys for Plaintiff  
450 Seventh Avenue, Suite 409  
New York, New York 10123  
(212) 279-2000



\_\_\_\_\_  
MICHELE SUTTON

Sworn to before me on this  
17 day of July, 2007



\_\_\_\_\_  
NOTARY PUBLIC

MARCIA M. GOLDSON  
Notary Public, State of New York  
No. 01GO029683  
Qualified in Richmond County  
Commission Expires August 23, 2009

Index No. 13256/07

Year 20

SUPREME COURT OF THE STATE OF NEW YORK: COUNTY OF BRONX

SALLY ANN DRUCKER,

Plaintiffs,

-against-

JOHN D. CORRIERI AND PAUL D. CORRIERI,

Defendants.

NOTICE OF REMOVAL TO FEDERAL COURT

**KRAL, CLERKIN, REDMOND, RYAN  
PERRY & GIRVAN, LLP**

Attorneys for

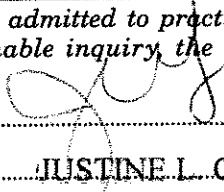
Defendants.

170 BROADWAY  
NEW YORK, NEW YORK 10038  
(212) 406-9710

§2103 (b) (5) Notice: Service of Papers by Electronic Means is Not Accepted

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: July 17, 2007

Signature: 

Print Signer's Name: JUSTINE L. GRISANTI

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐  
NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

☐  
NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on

20

, at

M.

Dated:

**KRAL, CLERKIN, REDMOND, RYAN  
PERRY & GIRVAN, LLP**

Attorneys for